

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 55 (Sub-No. 625X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN PRESTON COUNTY, W. VA.

Decided: October 30, 2018

By decision and notice of interim trail use or abandonment (NITU) served on April 9, 2004, the Board, under 49 U.S.C. § 10502, exempted from the prior approval requirements of 49 U.S.C. § 10903 the abandonment by CSX Transportation, Inc. (CSXT), of a 14.3-mile line of railroad extending from milepost BAJ 0.0 at Rowlesburg to milepost BAJ 14.3 near Albright in Preston County, W. Va. (the Line). The Board granted the exemption subject to trail use, public use, environmental, historic preservation, and standard employee protective conditions.¹

In a pleading filed on November 22, 2006, CSXT stated that it had consummated the abandonment of the portion of the Line extending between milepost BAJ 9.78 and milepost BAJ 14.3.² The Board considered this filing as CSXT's notice of consummation of its abandonment authority for this portion of the Line. See CSXT Transp.—Aban. Exemption—in Preston Cty., W. Va., AB 55 (Sub-No. 625X), slip op. at 2 n.2 (served Dec. 13, 2006).

On September 10, 2018, the National Association of Reversionary Property Owners (NARPO) requested that the Board rescind the NITU for the portion of the Line between milepost BAJ 9.78 and milepost BAJ 14.3. As discussed, however, in 2006 CSXT indicated that it had consummated the abandonment of this portion of the Line, and the Board considered this filing CSXT's notice of consummation. Therefore, this portion of the Line is no longer part of the interstate rail system and is not subject to the Board's jurisdiction. Therefore, NARPO's request will be denied as moot.

It is ordered:

1. NARPO's request is denied as moot.

¹ By decision served January 26, 2006, the Section 106 historic preservation condition was removed.

² The NITU for the portion of the Line from milepost BAJ 0.0 to milepost BAJ 9.78 was eventually vacated, and a replacement NITU was issued for milepost BAJ 3.0 to milepost BAJ 9.78. That NITU negotiating period ultimately expired without a trail use agreement being reached.

2. This decision is effective on its date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.